Reg. No. M. 1175

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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

Vol. 85] BANGALORE, THURSDAY, AUG. 17, 1950. [No. 33

PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

(HOME DEPARTMENT).

No. H. 4579—Pol. 192-49-4, dated Bangalore, the 12th August 1950.

In exercise of the powers conferred by sub-section 1 of Section 7 of the Cinematograph Act, 1923, His Highness the Maharaja of Mysore is pleased to appoint a Board consisting of the following official and non-official members for a period of one year or till such earlier date when the Central Censorship authority is constituted by the Government of India, as the authority for the whole State for the purpose of examining and certifying films and pictorial representations as suitable for public exhibition and publication.

I. OFFICIAL MEMBERS.

1. The Deputy Inspector-General of Police, Bangalore City (*Président*).
2. The Director of Public Instruction in Mysore, Bangalore.
3. The District Superintendent of Police, Bangalore North (*Secretary*).

II. NON-OFFICIAL MEMBERS.

1. The Mayor, Bangalore Corporation.
2. Sri K. S. Kumaran, C/o 'Pouravani', Bangalore City.
3. Sri Chellam, Member, Corporation of Bangalore.
4. Dr. Mrs. Rathnamma Issac, Ranga Rao Road, Shankarapuram, Bangalore 4.
5. Sm. Kamala Devi, Sheshadripuram, Bangalore City.
6. A representative of the Mysore Film Chamber of Commerce to be nominated by that body.

By Order of His Highness the Maharaja.

No. H. 4582—Pol. 192-49-5, dated Bangalore, the 12th August 1950.

In exercise of the powers conferred by sub-section 1 of Section 7 of the Cinematograph Act, 1923, His Highness the Maharaja of Mysore is pleased to continue the Mysore Cinematograph Board constituted in Notification No. P. 604—Pol. 231-47-5, dated the 14th July 1948 from 14th July 1950 to 12th August 1950 when the new Cinematograph Board is constituted for the purpose.

By Order of His Highness the Maharaja,

K. SRINIVASAN,
Chief Secretary to Government.

No. L. 5148—C.M. 30-50-2, dated Bangalore, 11th August 1950.

In exercise of the powers conferred by sub-section (2) of Section 68 of the City of Bangalore Municipal Corporation Act, 1949, (LXIX of 1949), His Highness the Maharaja of Mysore is pleased to make the following rules for the adjudication by the Court of the District Judge, Bangalore Division, of disputes arising out of elections of Councillors or Aldermen of the Corporation of the City of Bangalore and for an appeal on a point of law to the High Court from the decision of such Court.

RULES.

Save as otherwise provided, no election held under the City of Bangalore Municipal Corporation Act, 1949 (hereinafter referred to as the Act) of a Councillor or an

Alderman of the Corporation of the City of Bangalore shall be called in question except by an election petition presented in accordance with these rules to the court of the District Judge, Bangalore Division, (hereinafter referred to as the Court) by any candidate or elector against the candidate (hereinafter called the returned candidate) who has been declared to have been duly elected.

2. The petition shall be presented within seven days of the date of the declaration of the result of the election and shall contain a statement, in concise form, of the material facts on which the petitioner relies and the particulars of any corrupt practice which he alleges, and shall where necessary be divided into paragraphs numbered consecutively. It shall be signed by the petitioner and verified in the manner prescribed for the verification of pleadings in the Code of Civil Procedure.

3. The petitioner may, if he so desires, in addition to calling in question the election of the returned candidate, claim a declaration that he himself or any other candidate has been duly elected ; in such case he shall join as respondent to his petition all other candidates who were nominated for the election but had not withdrawn before the polling.

4. (1) At the time of the presentation of the petition, the petitioner shall deposit with it, as security for the costs of the same, a sum of two hundred rupees in cash.

(2) If the provisions of sub-rule (1) are not complied with, the Court shall dismiss the petition.

(3) Upon compliance with the provisions of sub-rule (1), the Court shall proceed to enquire into the petition.

5. The Court shall, as soon as may be, cause a copy of the petition to be served on each respondent and on the Commissioner of the Corporation of Bangalore. Copies shall also be affixed to the Notice Board of the Court and of the Municipal Office. It may also call on the petitioner to execute a bond in such amount and with such sureties as it may require for the payment of any further costs. At any time within fourteen days after such publication, any other candidate shall be entitled to be joined as a respondent on furnishing similarly such security as may be demanded by the court.

6. Every election petition shall be enquired into by the Court as nearly as may be, in accordance with the

procedure applicable to the trial *of suits in the Court of the District Judge, Bangalore Division.*

7. (1) No election petition shall be withdrawn without the leave of the court.

(2) If there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all the petitioners.

(3) When an application for withdrawal is made, notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published as specified in Rule 5.

(4) No application for withdrawal shall be granted if the Court is of opinion that such application has been induced by any bargain or consideration which, it considers, ought not to be allowed.

(5) If the application is granted—

(*a*) the petitioner shall be ordered to pay the costs of the respondent theretofore incurred or such portion thereof as the Court may think fit ; and

(*b*) such withdrawal shall be communicated to the Commissioner of the Corporation by the Court.

8. An election petition shall abate on the death of a sole petitioner or of the survivor of several petitioners and such abatement shall be communicated to the Commissioner of the Corporation by the Court.

9. Where at any inquiry into an election petition any candidate other than the returned candidate, claims the seat for himself, the returned candidate or any other party to the proceeding may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate and a petition had been presented complaining of his election.

10. At any enquiry into an election petition the Commissioner of the Corporation of Bangalore may appoint a legal practitioner or other person to attend and take such part therein as the Court may allow.

11. If in the opinion of the Court—

(*a*) the returned candidate, his agent, or any other person with the connivance of such candidate or agent has committed or abetted the commission of, any election offence punishable under Section 69 of the Act or under Chapter IX-A of the Indian Penal Code, or

(*b*) the election of the returned candidate has been procured or induced or the result of the election has been materially affected by any of the following corrupt practices :—

(i) any election offence punishable under Section 69 of the Act or under Chapter IX-A of the Indian Penal Code when committed by a person who is not a candidate or his agent or a person acting with the connivance of a candidate or his agent ;

(ii) any payment or promise or payment to any person whomsoever on account of the conveyance of any elector to or from any place for the purpose of recording his vote ;

(iii) the hiring, employment, borrowing or using for the purpose of election of any vehicle or animal usually kept for letting on hire or for the conveyance of passengers by hire :

Provided that any elector may hire any vehicle or animal or use any vehicle or animal, which is his own property to convey himself or from the place where the vote is recorded ;

(iv) the hiring, using or letting as a committee room or for the purpose of any meeting to which electors are admitted of any building, room or other place where intoxicating liquor is sold to the public ; or

(*c*) the result of the election has been materially affected by any irregularity in respect of any nomination or the improper acceptance or refusal of any nomination or by the improper reception or refusal of a vote, or by any non-compliance with the provisions of the Act or the rules made thereunder the election of the returned candidate shall be void ; subject to the provisions contained in rule 12 below:

Provided that if the Court is of opinion that any corrupt practice specified in clause (*b*) of this rule, which does not amount to any form of bribery other than treating as hereinafter explained, has been committed and if the Court is further of opinion that the candidate has satisfied it that—

(*a*) no corrupt practice was committed at such election by the candidate and that any corrupt practices

committed were committed contrary to the orders and without the sanction or connivance of such candidate; and

(*b*) such candidate took all reasonable means for preventing the commission of corrupt practices at such election; and

(*c*) the corrupt practices committed were of a trivial unimportant and limited character; and

(*d*) in all other respects the election was free from any corrupt practice on the part of such candidate or any of his agents; then the court may find that the election of such candidate is not void.

Explanation.—For the purpose of this rule "treating" means the incurring in whole or in part by any person of the expense of giving or providing any food, drink, entertainment or provision to any person with the object directly or indirectly, of inducing him or any other person to vote or refrain from voting or as a reward for having voted or refrained from voting.

12. If the validity of the election is brought in question only on the ground of an error by the officer or officers charged with carrying out the rules made under Section 68 of the Act or of an irregularity or informality not corruptly caused, the Judge shall not set aside the election.

Explanation.—The expression "error" in this sub-section does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Act or Rules made thereunder whereby the result of election has been materially affected.

13. (1) At the conclusion of the enquiry the Court shall declare whether the election of the returned candidate is void under Rule 11.

(2) If it declares the election of the returned candidate void, it shall further pass an order, either—

(*a*) declaring that any other party to the petition who has under these rules claimed the seat has been duly elected; or

(*b*) ordering a fresh election.

(3) The order of the Court under sub-rules (1) and (2) shall subject to the decision of the High Court under Rule 15 be final.

(4) A copy of every order under sub-rule (1) or sub-rule (2) shall be communicated to the Commissioner of the Corporation.

14. When an election is declared void under sub-rule (1) of Rule 13 and a fresh election is ordered under clause (*b*) of sub-rule (2) of Rule 12, the seat of the returned candidate shall be deemed to be vacant from the date of the order of the Court and the authority concerned shall forthwith take the necessary steps for holding such fresh election.

15. An appeal shall lie to the High Court from the order of the Court on a point of law and such appeal shall be preferred within one month from the date of such order, exclusive of the time requisite for obtaining a copy of the order.

By Order of His Highness the Maharaja,

L. MUNISWAMY,
Secretary to Government,
Local Self-Government Department.